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13 Attorneys for Defendant

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 NOORULLAH KHAN,

17 Plaintiff,

18 v.

19 JONATHAN SCHARFEN,¹
20 Acting Director, United States Citizenship
21 and Immigration Services,

22 Defendant.

23 No. 08-cv-1679 (MMC)

24 **JOINT REQUEST TO BE EXEMPT
25 FROM FORMAL ADR PROCESS;
PROPOSED ORDER**

26 Each of the undersigned certifies that he or she has read either the handbook entitled
27 "Dispute Resolution Procedures in the Northern District of California," or the specified portions
28 of the ADR Unit's Internet site <www.adr.cand.uscourts.gov>, discussed the available dispute
resolution options provided by the court and private entities, and considered whether this case
might benefit from any of them.

29 Here, the parties agree that referral to a formal ADR process will not be beneficial
30 because this mandamus action is limited to plaintiff's request that this Court compel defendants
31 to adjudicate the application for adjustment of status. Given the substance of the action and the
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33 ¹ Dr. Emilio Gonzalez resigned as Director, United States Citizenship and Immigration
34 Services, effective April 18, 2008. Jonathan Scharfen, Acting Director, is automatically
35 substituted as a party for Dr. Gonzalez. See Fed. R. Civ. P. 25(d).

1 lack of any potential middle ground, ADR will only serve to multiply the proceedings and
2 unnecessarily tax court resources.

3 Accordingly, pursuant to ADR L.R. 3-3(c), the parties request the case be
4 removed from the ADR Multi-Option Program and that they be excused from participating in the
5 ADR phone conference and any further formal ADR process.

6 Date: June 3, 2008

Respectfully submitted,

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8 GREGORY G. KATSAS
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14 By:

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23
24 JONATHAN M. KAUFMAN
25 Attorney for Plaintiff

26 ORDER

27 Pursuant to stipulation and to ADR L.R. 3-3(c), the parties are hereby removed from the
28 ADR Multi-Option Program and are excused from participating in the ADR phone conference
and any further formal ADR process.

SO ORDERED.

Dated this 4th day of June, 2008

Majine M. Chesney
25 MAJINE M. CHESNEY
26 United States District Judge